

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

925D0305

HOUSE BILL NO. 1064

Introduced by: Representatives Hennies, Brooks, Brown (Richard), Duniphan, Fitzgerald, Lintz, McCoy, McIntyre, Munson (Donald), and Wilson and Senators Ham, Albers, Brosz, Lawler, Madden, Reedy, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the procurement,
2 collection, filing, and analysis of biological specimens from persons convicted of crimes of
3 violence.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 23-5-14 be amended to read as follows:

6 23-5-14. The attorney general shall procure and file for record genetic marker grouping
7 analysis information from any person convicted of a ~~violation of the provisions of chapter 22-22.~~
8 ~~The attorney general also shall procure and file for record such genetic marker grouping analysis~~
9 ~~information of any person confined in any workhouse, jail, reformatory, penitentiary or other~~
10 ~~penal institution or otherwise under supervision for a violation of the provisions of chapter 22-22~~
11 crime of violence as defined in § 22-1-2. The attorney general also shall cooperate with and assist
12 corrections officers, sheriffs, chiefs of police, and other law enforcement officers to the end that
13 a complete state system of genetic marker grouping analysis information may be established.
14 ~~Sheriffs, chiefs of police, and any other law enforcement officers of the state~~ The Department
15 of Corrections, immediately upon the conviction of any person for a ~~violation of the provisions~~
16 ~~of chapter 22-22~~ crime of violence as defined in § 22-1-2, shall arrange for collection of ~~blood~~

1 ~~and saliva~~ biological specimens for genetic marker grouping analysis according to the system
2 established by the Division of Criminal Investigation and, ~~upon the person's conviction,~~ shall
3 forward any such specimen to the division for classification and filing.

4 Section 2. That § 23-5-16 be amended to read as follows:

5 23-5-16. The Division of Criminal Investigation shall provide equipment and instructions as
6 necessary for collection of ~~blood and saliva~~ biological specimens pursuant to this chapter. Such
7 collection of specimens shall be performed in a medically approved manner. Only a physician,
8 laboratory technician, registered nurse, physician's assistant, phlebotomist, expanded role
9 licensed practical nurse, medical technician, or medical technologist may withdraw blood ~~or~~
10 ~~saliva~~ for the purpose of genetic marker grouping analysis. Other persons, such as corrections
11 officers or law enforcement officers, after being trained, may withdraw an alternative biological
12 specimen in accordance with a procedure provided by the Division of Criminal Investigation.

13 Any such authorized person, acting on the presumption of consent, or any hospital employing
14 such person, is not liable and may not be held to pay damages to the party from whom the ~~blood~~
15 ~~or saliva~~ biological sample is withdrawn, if the withdrawal is administered with usual and
16 ordinary care. Any such specimen shall be forwarded to the Division of Criminal Investigation
17 for analysis and categorization into genetic marker groupings. Such genetic marker groupings
18 shall be maintained by the Division of Criminal Investigation. The division may contract with
19 private entities for such specimen analysis and categorization.